

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**SHARON SWANSON, Individually
and as parent and natural guardian
of D.S., a minor,**

Plaintiffs,

v.

**Case No. 2:14-cv-1052
Judge George C. Smith
Magistrate Judge Elizabeth P. Deavers**

ABBOTT LABORATORIES, *et al.*,

Defendants.

ORDER

The parties have filed motions for leave to file certain exhibits and transcripts under seal relating to dispositive motions and *Daubert* motions, including medical records containing patient protected information, deposition transcripts containing testimony previously designated as confidential under the parties' protective order, documents produced by the parties designated as confidential under the protective order, and expert reports referring to information designated as confidential under the protective order, including protected patient information. (ECF Nos. 57 and 60.)

For good cause shown, as they relate to the requests for leave to file under seal medical records and expert reports referring to protected patient information, the parties' motions are **GRANTED**. The Clerk is **DIRECTED** to accept for filing under seal these medical records and expert reports referring to patient information. Any party filing under seal an expert report

referring to patient information is **ORDERED** to file a redacted version of the report on the Court's public docket within **SEVEN (7) DAYS** from the date of this Order.

As to the remaining requests, the parties seek permission to seal transcripts and reports simply because the parties have deemed that information confidential under their protective order. While parties to litigation may maintain certain materials in confidence, the actual filing of documents—which implicates the interest of the public in unencumbered access to court proceedings—should not routinely be made under seal. *Proctor & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219, 227 (6th Cir. 1996); *Brown & Williamson Tobacco Corp. v. FTC*, 710 F.2d 1165, 1177 (6th Cir. 1983). Because there has been no showing why the remaining referenced transcripts, documents, and expert reports should be filed under seal, the parties' motions for leave to file under seal as it relates to this information are **DENIED WITHOUT PREJUDICE**. Accordingly, the parties' motions (ECF Nos. 57 and 60) are **GRANTED IN PART AND DENIED IN PART** consistent with the foregoing.

IT IS SO ORDERED.

Date: June 29, 2017

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE